

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion, is respectfully requested.

Claims 37-40, 48-51, 59-62, and 97-106 are pending in the present application, Claims 37-39, 48-50, 59-61, and 97 having been amended. Support for the present amendment is found, for example, in Applicants' Fig. 14.

In the outstanding Office Action, Claims 37-40, 48-51, 59-62, and 97-106 were rejected under 35 U.S.C. §112, first paragraph; Claims 37-40, 48-51, 59-62, and 97-106 were rejected under 35 U.S.C. §112, second paragraph; Claims 37-39, 48-50, 59-61, and 97-106 were rejected under 35 U.S.C. §103(a) as unpatentable over Griebenow et al. (U.S. Patent No. 5,850,520, hereinafter Griebenow) in view of Microsoft Windows (Wikipedia Article); and Claims 40, 51, and 62 were rejected under 35 U.S.C. §103(a) as unpatentable over Griebenow in view of Microsoft Windows (Wikipedia Article), and further in view of Logan et al. (U.S. Patent No. 5,721,827, hereinafter Logan).

With respect to the rejection under 35 U.S.C. §112, first paragraph, the claims are amended to change "user location(s)" to "client location(s)" as suggested by the Office Action. Thus, this ground of rejection is overcome.

With respect to the rejections under 35 U.S.C. §112, second paragraph, the independent claims are amended to remove "by providing the personal computer with a graphical user interface." In view of this amendment and the one noted above in the context of the 112 first paragraph rejection, the rejections under 35 U.S.C. §112, second paragraph, are overcome.

Applicants thank the Examiner for his comments regarding Fig. 14 at page 6 of the Office Action and the possibility of allowable subject matter. It is Applicants intention to amend the independent claims in manner to recite the choice/change of genre as functional,

and to have it be given patentable weight.<sup>1</sup> If the Office believes different language would be more appropriate, the Examiner is requested to contact the undersigned, rather than issue another office action, who would be happy to work with the Examiner to derive mutually satisfactory claim language.

With respect to the rejections based on art, it is initially noted that the outstanding grounds of rejection are defective and must be withdrawn. The outstanding rejections rely upon a Wikipedia article, which practice was previously banned by the USPTO.

With respect to the rejection of Claim 37 as unpatentable over Griebenow and Microsoft Windows, Applicants respectfully submit that the present amendment overcomes this ground of rejection. Amended Claim 37 recites, *inter alia*,

...the category information defining the genre of the user content data being received in response to a selection of a genre setup button on a graphical user interface displayed at the personal computer...[and]

means for changing the information defining genre of the user content data transmitted by the personal computer to a different genre after receiving the predetermined information, said change to the information defining genre being implemented in response to another selection of the genre setup button on the graphical user interface displayed at the personal computer.

Griebenow and Microsoft Windows do not disclose or suggest every element of amended Claim 37.

Page 5 of the outstanding Office Action indicates that “including at least category information defining a genre of the content data” is non-functional and not given patentable weight. However, Claim 37 is amended to describe this functionally by interconnecting the choice of genre language to indicate that is received “in response to a selection of a genre setup button on a graphical user interface displayed at the personal computer.” The amended

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<sup>1</sup> The amended claims define an interrelationship between the choice/change of genre and the computer software and hardware components which permit the functionality of the choice/change of the genre data to be realized.

claims define an interrelationship between the choice/change of genre and the computer software and hardware components which permit the functionality of the choice/change of the genre to be realized. Thus, this claim language should be given patentable weight.

When rejecting Claim 37, pages 4 of the Office Action refers to col. 7, lines 33-36 of Griebenow, and takes the position that a consumer ordering an electronic publication pertaining to a subject other than bicycling equates to changing information defining genre. However, amended Claim 37 does not merely requiring changing a genre. Claim 37 particularly describes changing the information defining genre of ***the user content data transmitted by the personal computer***, “said change to the information defining genre being implemented in response to another selection of the genre setup button on the graphical user interface displayed at the personal computer.” In Griebenow, the electronic publication is not user content data transmitted by the consumer ordering the electronic publication. On the contrary, the electronic publication is content data ***received*** by the consumer placing the order. In Griebenow, the consumer never changes the genre of content data that the consumer transmitted, wherein “said change to the information defining genre [is] implemented in response to another selection of the genre setup button on the graphical user interface displayed at the personal computer.”

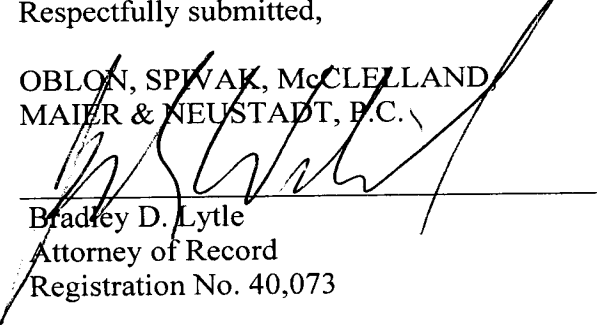
Furthermore, the Microsoft Windows article does not address choice/change of genre as described in Claim 37.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 37 (and any claims dependent thereon) patentably distinguish over Griebenow and Microsoft Windows, when taken in proper combination. Claims 48, 59, and 97 recite elements analogous to those of Claim 37. Thus, Claims 48, 59, and 97 (and any claims dependent thereon) patentably distinguish over Griebenow and Microsoft Windows, when taken in proper combination, for at least the reasons stated for Claim 37.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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